

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 22, 2008

**D053121        In re Jaheim B., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.

**D052500        People v. Person**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

**D053984        Colton v. Vance**

The court has received appellant Roland C. Colton's letter dated December 10, 2008, addressing the issue of whether the August 21, 2008 order joining Dr. Nahid Birjandi as a party is an appealable order. The matter having been considered by Presiding Justice McConnell and Associate Justices Benke and O'Rourke, the appeal is dismissed on the ground it is from a non-appealable order.

**D054220        In re A.G., a Juvenile**

The letter from Appellate Defenders, Inc. received on December 18, 2008, the notice of appeal and the superior court's December 4, 2008, minute order have been read and considered by Presiding Justice McConnell and Associate Justices Benke and O'Rourke. The appeal is from a non-appealable order. (Cal. Rule of Court, rule 5.772(j); People v. Superior Court (Jones) (1998) 18 Cal.4th 667, 678-680.) The appeal filed on December 5, 2008, is DISMISSED.

**D054032        Elizabeth S. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The attorney for petitioner Elizabeth S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 23, 2008

**D051991        In re Derek B., a Juvenile**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., Irion, J.

**D053669        Jose O. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The opinion filed December 3, 2008, is ordered certified for publication.

**D052044        Olson v. Department of Motor Vehicles**

The judgment of the trial court is affirmed. Costs are awarded to respondent. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D050761        Hays et al. v. Ransbury et al.**

The judgment is affirmed. The Ransburys and Tierney are entitled to costs on appeal. McDonald, J.; Benke, Acting P.J., Huffman, J.

**D051966        In re Marriage of Nguyen**

The order is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D052352        In re O.L., a Juvenile**

The orders are affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D052171        People v. Lawrence**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D052943        Tang v. CS Clean Systems AG**

The order quashing service of summons and setting aside the entry of default and default judgment is affirmed. Tang is ordered to pay CSAG's costs on appeal. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D052580        In re Marriage of Parker**

The order is affirmed. Parker is ordered to pay to Montes (1) her costs on appeal and (2) \$7,500 sanctions for a frivolous appeal. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D052505        City of San Diego v. Mission Valley Partnership et al.**

**D053431        City of San Diego v. Mission Valley Partnership et al.**

The judgment and orders are affirmed. The Respondent Property Owners are awarded their costs of appeal. McIntyre, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 23, 2008 (Continued)

**D052361        Selleck et al. v. Markell et al.**

The order disqualifying Attorney Schwartz from representing Defendants in the underlying litigation is affirmed. Plaintiffs are entitled to their costs on appeal. Benke, Acting P.J.; We Concur: McDonald, J., Aaron, J.

**D054132        In re Brown on Habeas Corpus**

The petition is denied.

**D053912        In re Smith on Habeas Corpus**

The petition is denied.

**D054203        Wright v. Superior Court of San Diego County/Wright**

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, O'Rourke and Irion. The petition is denied.

**D054224        Nguyen v. Superior Court of San Diego County/People**

The petition for writ of mandate has been read and considered by Justices Benke, O'Rourke and Irion. The petition is denied.

**D054301        Jendrian v. The People**

The petition is denied.

**D053915        In re Cooper on Habeas Corpus**

The petition is denied.

**D054236        In re Jendrian on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 24, 2008

**D049453        Coast Loans, Inc. v. Scripps Investments and Loans Inc., et al.**

The judgment is reversed and the matter remanded to the trial court. Coast Loans, Inc. shall recover its costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D041747        Ross v. Cytodyne Technologies, Inc.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

**D054043        In re Nelson on Habeas Corpus**

The petition is denied.

**D054200        In re Garcia on Habeas Corpus**

The petition for writ of habeas corpus has been read and considered by Justices Benke, O'Rourke and Irion.

Petitioner contends counsel was ineffective, there was a charging error, and the prosecutor committed misconduct. Petitioner indicates that he has not presented the petition to the trial court. We therefore deny without prejudice to re-filing in the trial court in the first instance. (See *In re Steele* (2004) 32 Cal.4th 682, 692; *In re Hillery* (1962) 202 Cal.App.2d 293, 294.) The petition is denied.

**D054303        People v. Mansfield**

The notice of appeal and letters from San Diego Superior Court dated February 20, 2008, and October 7, 2008, have been read and considered by Associate Justices McDonald, Benke and O'Rourke. The letters are not appealable orders. The appeal filed on December 8, 2008, is DISMISSED.

**D054128        Porto Siena Owners Association v. Superior Court of San Diego  
County/Porto Siena LLC et al.**

The petition is denied.

**D054007        TMO CA/NV, LLC v. Superior Court of San Diego County/Site Management  
Services, Inc.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
December 26, 2008

**D053365      In re Priscilla H. et al., Juveniles**

The judgments are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D054101      In re Brown on Habeas Corpus**

The petition for a writ of habeas corpus has been read and considered by Justices Benke, O'Rourke and Irion. We take judicial notice of the direct appeal D047721. A jury convicted Desmond Brown of attempted murder, attempted robbery, assault with a deadly weapon, being a felon in possession of a firearm, being a felon in possession of ammunition and possession of marijuana. Various gun use enhancements were found true. The court sentenced Brown to 25 years to life plus 12 years in prison. We affirmed the judgment.

Brown claims he has newly discovered evidence that exonerates him and inculpates another person. He claims trial counsel was ineffective for not discovering this evidence. Brown refers to exhibits A, B, and C to substantiate his claims. Other than the superior court order denying his petition, there are no exhibits provided with the petition. The petition is denied.

**D050885      Elasali v. Mayer**

The petition for rehearing filed December 24, 2008, is denied.

**D053898      In re Justin H., a Juvenile**

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.